

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GEORGE ARNDT,

Plaintiff,

v.

Captain WILLIAM PARKER, employee of  
the Sand Ridge Secure Treatment Center,

Defendant.  
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ORDER

09-cv-663-bbc

Plaintiff, a patient at the Sand Ridge Secure Treatment Center in Mauston, Wisconsin, has filed a proposed complaint under 42 U.S.C. § 1983 alleging violations of his Eighth Amendment constitutional rights. In addition, he has submitted a petition and affidavit to proceed without prepayment of fees and costs along with a resident account statement covering a one-week period from October 17, 2009 to October 23, 2009.

This court uses one method for determining the indigent status of all institutionalized persons, even those like plaintiff who are not subject to the 1996 Prison Litigation Reform Act. See Longbehn v. United States, 169 F.3d 1082 (7th Cir. 1999). From a *six-month* resident account statement covering the full six-month period immediately preceding the

filing of the plaintiff's complaint, the court calculates two amounts, 20% of the plaintiff's average monthly income and 20% the plaintiff's average monthly balance. Whichever amount is greater is the amount the plaintiff will have to prepay toward the \$350 filing fee. He will qualify for indigent status with respect to the remainder of the fee. (The in forma pauperis statute does not permit a court to waive all of a plaintiff's obligation to pay filing fees. All it does is allow a court to grant qualifying individuals leave to proceed without *prepaying* some or all of the filing fee.)

Plaintiff's complaint was submitted on October 16, 2009. In order to cover the full six-month period preceding the filing of the complaint, plaintiff will need to submit a resident account statement beginning approximately April 16, 2009 and ending approximately October 16, 2009. If plaintiff fails to provide his statement, I will assume that he does not wish to proceed with this action and this case will be closed.

#### ORDER

IT IS ORDERED that a decision whether plaintiff may proceed in forma pauperis is STAYED until November 24, 2009, by which date plaintiff must submit a supplemental resident account statement for the period beginning approximately April 16, 2009 and ending approximately October 16, 2009. If, by November 24, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and,

in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 3<sup>rd</sup> day of November, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge